

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

NIKCI BOYD,

Plaintiff(s),

v.

LIL HONE BOYD,

Defendant(s).

Case No. 2:16-CV-330 JCM (PAL)

ORDER

Presently before the court is Magistrate Judge Leen's report and recommendation ("R&R"). (ECF No. 11). No objections have been filed, and the deadline for filing objections has since passed.

In the R&R, the magistrate recommends that the instant action be dismissed without prejudice to the plaintiff Nikci Boyd's ability to commence a new action in which she either pays the appropriate filing fee in full or submits a completed application to proceed *in forma pauperis* based on plaintiff's failure to comply with the court's order (ECF No. 2). (ECF No. 11).

Plaintiff filed an incomplete application to proceed *in forma pauperis* (ECF No. 1). The court denied plaintiff's application without prejudice, directing the clerk's office to mail plaintiff a new application and allowing plaintiff to file a completed application or pay the filing fee on or before March 31, 2016. (ECF No. 11 at 1).

On April 7, 2016, plaintiff later filed a motion to extend time (ECF No. 4), which the court granted (ECF No. 6). The court granted an extension to May 12, 2016. (ECF No. 6). On that same date, plaintiff also filed a notice of appeal (ECF No. 3), which was dismissed on June 14, 2016 (ECF No. 10).

1 To date, plaintiff has yet to file a completed application or pay the filing fees. (ECF No.
2 11).

3 This court “may accept, reject, or modify, in whole or in part, the findings or
4 recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1). Where a party timely objects
5 to a magistrate judge’s report and recommendation, then the court is required to “make a de novo
6 determination of those portions of the [report and recommendation] to which objection is made.”
7 28 U.S.C. § 636(b)(1).

8 Where a party fails to object, however, the court is not required to conduct “any review at
9 all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149
10 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a
11 magistrate judge’s report and recommendation where no objections have been filed. *See United*
12 *States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review
13 employed by the district court when reviewing a report and recommendation to which no
14 objections were made).

15 Nevertheless, this court finds it appropriate to engage in a *de novo* review to determine
16 whether to adopt the recommendation of the magistrate judge. Upon reviewing the
17 recommendation and underlying briefs, the court finds that good cause appears to ADOPT the
18 magistrate judge’s findings.

19 Accordingly,

20 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Magistrate Judge Leen’s
21 report and recommendation (ECF No. 11) be, and the same hereby are, ADOPTED in their
22 entirety.

23 IT IS FURTHER ORDERED that the instant case be, and the same hereby is, DISMISSED
24 without prejudice.

25 The clerk shall enter judgment accordingly and close the case.

26 DATED October 20, 2016.

27 
28 UNITED STATES DISTRICT JUDGE